



The Tamil Nadu Preservation of Private Forests Act, 1949

Act 27 of 1949

Keyword(s):

Forest, Owner, Person, Forest Offence, Forest-Officer

Amendment appended: 22 of 1960

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THE TAMIL NADU PRESERVATION OF PRIVATE
FORESTS ACT, 1949.

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¹ [TAMIL NADU] ACT No. XXVII OF 1949. ²[THE ¹[TAMIL NADU] PRESERVATION OF PRIVATE FORESTS
ACT, 1949.]

(Received the assent of the Governor-General on the 10th December 1949 ; first published in the Fort St. George Gazette Extraordinary on the 14th December 1949.)

An Act to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein and for certain other purposes.

WHEREAS it is necessary ³ [] to prevent the indiscriminate destruction of private forests and interference with customary and prescriptive rights therein ; It is hereby enacted as follows :—

1. (1) This Act may be called the¹ [Tamil Nadu] Preservation of Private Forests Act, 1949.

Short title,
⁴[application
and commencement.]

¹These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette Extraordinary*, dated the 1st November 1949, Part IV-A, page 445.

This Act was extended to the added territories by section 12 of the Tamil Nadu (Added Territories) Extension of Laws Act, 1964 (Tamil Nadu Act 8 of 1964), which was deemed to have come into force on the 3rd December 1960 repealing the corresponding law in force in those territories.

This Act was extended to the Shencottah taluk of the Tirunelveli district by section 10 of the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1965 (Tamil Nadu Act 22 of 1965) repealing the corresponding law in force in that taluk.

This Act was extended to the Kanyakumari district by section 3 of the Tamil Nadu Preservation of Private Forests (Extension to Kanyakumari District) Act, 1979 (Tamil Nadu Act 28 of 1979) repealing the corresponding law in force in that district.

³The words "pending further legislation" were omitted by section 3 of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).

⁴These words were substituted for the words "application, commencement and duration" by section 4 (i) of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).

(2) It applies—

¹[(i)]

(ii) to forests situated in estates as defined in the ²[Tamil Nadu] Estates Land Act, 1908, in the ³[State of Act 1 of 1908. Tamil Nadu].

⁴[(iii) to private forests situated in other areas in the State of Tamil Nadu and having a contiguous area exceeding⁵[2 hectares] which may be declared by the District Collector to be forests for the purposes of this Act, by notification in the District Gazette ;]

²[Tamil Nadu] but does not apply to reserved forests constituted under the ²[Tamil Nadu] Forests Act, 1882, and lands at the disposal of the Government as defined in that Act.

⁶[Explanation.—A private forest exceeding⁷[2 hectares] in extent shall not cease to be such by reason only of the

¹ Clause (i) and the Explanation thereto were omitted by section 2 (i) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1957 (Tamil Nadu Act XV of 1957).

² These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

³ This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

⁴ This clause was substituted for the original clause (iii) by section 2 (i) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1960 (Tamil Nadu Act 22 of 1960).

⁵ The figures and word "12 hectares" were substituted for the figures and word "30 acres" by section 2 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979) ; and the figure and word "2 hectares" were substituted for the figures and word "12 hectares" by section 2 (a) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

⁶ This Explanation was added by section 2(b) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1954 (Tamil Nadu Act XVIII of 1954).

⁷ For the figures and word "100 acres", the figures and word "30 acres" were substituted by section 2 (ii) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1960 (Tamil Nadu Act 22 of 1960). For the figures and word "30 acres" the figures and word "12 hectares" were substituted by section 2 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979). The figure and word "2 hectares" were substituted for the figures and word "12 hectares" by section 2 (b) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

fact that, in a portion thereof,¹ [trees, shrubs or reeds are felled or cut] with or without the permission of the² [committee], or lands are cultivated, or rocks, roads, tanks, rivers or the like exist; nor shall the area of such forest cease to be contiguous by reason only of the existence of all or any of the aforesaid circumstances.]

(3) It shall come into force at once³ [].

⁴ [(4)]

2. In this Act unless there is anything repugnant in the Definitions. subject or context,—

⁵ [(a) 'committee' means any committee constituted under section 2-A and having jurisdiction ;]

⁵ [(aa)] 'forest' includes waste or communal land containing⁶ [trees, shrubs and reeds], pasture land and

¹ These words were substituted for the words "trees or shrubs are felled" by section 2 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1965 (Tamil Nadu Act 12 of 1965).

² This word was substituted for the words "District Collector" by section 2(b) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

³ The life of this Act has been extended from time to time. See Madras Acts XXX of 1950 and XXX of 1951 and Tamil Nadu Acts III of 1954, XXX of 1954, XXXV of 1955, XV of 1957, 20 of 1959, 33 of 1961 and 23 of 1963; and this Act was made permanent by section 2 of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965). The words, figures and letters "and shall remain in force upto and inclusive of the 2nd December 1965" were omitted by section 4 (ii) of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).

⁴ This sub-section was omitted by section 4 (iii) of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).

⁵ Original clause (a) was relettered as clause (aa) of that section and this clause was inserted by section 3 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

⁶ These words were substituted for the words "trees and shrubs" by section 3 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1965 (Tamil Nadu Act 12 of 1965).

any other class of land declared by the ¹[State] Government to be a forest by notification ²[].

³ [Explanation.—For the purposes of this clause, “communal land” means—

(i) beds and bunds of tanks and of supply, drainage, surplus or irrigation channels ;

(ii) threshing-floor, cattle-stands, village-sites and other lands which are set apart for the common use of the villagers.]

(b) ‘owner’ in relation to a forest includes a mortgagee, lessee or other person having right to possession and enjoyment of the forest;

(c) ‘person’ includes a Hindu undivided family, a Marumakkattayam tarwad or tavazhi and an Aliyasantana family or branch.

⁴ [(d) ‘forest offence’ means an offence punishable under this Act ;

(e) the expressions ‘Forest-officer’, ‘tree’, ‘timber’, ‘forest-produce’, ‘cattle’, ‘Magistrate’ and ‘imprisonment’ shall have the meanings respectively assigned to them in section 2 of the ⁵ [Tamil Nadu] Forest Act, 1882 (⁶ [Tamil Nadu] Act V of 1882).]

¹ This word was substituted for the word “Provincial” by the Adaptation of Laws Order, 1950.

² The words and letters “in the *Fort St. George Gazette*” were omitted by section 3 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

³ This Explanation was substituted for the original Explanation by section 10 (2) of the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1965 (Tamil Nadu Act 22 of 1965).

⁴ Clauses (d) and (e) were added by section 3 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1955 (Tamil Nadu Act XXXV of 1955).

⁵ These words were substituted for the word “Madras” by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

¹[2-A. (1) The State Government may, by notification with effect from such date as may be specified therein, constitute for each district a committee for the purpose of this Act, consisting of the following members, namely :—

- (a) the District Collector as Chairman of the Committee ;
- (b) the District Forest Officer having jurisdiction over the district ;
- (c) the Tahsildar having jurisdiction over the area ;
- (d) the Executive Engineer of the Agriculture Department in charge of soil conservation ;
- (e) the Personal Assistant (General) to the Collector of the district, who shall be the Secretary of the committee.

2-B. (1) The committee may meet as often as may be necessary and shall, subject to the provisions of sub-sections (2) and (3), observe such rules of procedure in regard to transaction of business at its meetings (including the quorum at meetings) as may be prescribed by the State Government under this Act, provided that not more than two months shall elapse between one meeting of the committee and another.

(2) The Chairman of the committee or in his absence any member nominated by him in that behalf shall preside at a meeting of the committee.

(3) All questions at a meeting of the committee shall be decided by a majority of the votes of the members present and voting and in the case of an equality of votes, the Chairman of the committee or in his absence the person presiding, shall have a second or casting vote.]

¹[2-C. No act or proceeding of the committee shall be deemed to be invalid by reason only of the existence of committee, etc., not to invalidate acts or proceedings.

1 Sections 2-A, 2-B and 2-C were inserted by section 4 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

any vacancy in the committee or any defect in the nomination of a member thereto or on the ground only that more than two months have elapsed between one meeting of the committee and another.]

Preservation of private forests. 3. (1) (a) No owner of any forest shall, without the previous sanction of the ¹[committee] sell, mortgage, lease or otherwise alienate the whole or any portion of the forest.

Explanation.—Nothing in this sub-section shall be construed as preventing the owner from selling or otherwise dealing with the right to gather and remove forest produce other than ²[trees, timber and reeds] in the usual or customary manner, for a period not exceeding two years.

³[(b) Any alienation in contravention of clause (a) shall be null and void —

(i) if the alienation is of any forest declared by ⁴[the District Collector] to be a forest under clause (iii) of section 1 (2) or of any portion of such a forest, and is made on or after the date on which the declaration takes effect ;

⁵[(ii)]

(iii) if the alienation is of any other forest or of any portion of such a forest, and is made on or after the 16th August 1946].

¹ This word was substituted for the words "District Collector" by section 5 (a) of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

² These words were substituted for the words "trees and timber" by section 4(i) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1965 (Tamil Nadu Act 12 of 1965).

³ This clause was substituted for the original clause (b) by the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1954 (Tamil Nadu Act XVIII of 1954).

⁴ These words were substituted for the words "the State Government" by section 3 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1960 (Tamil Nadu Act 22 of 1960).

⁵ Sub-clause (ii) was omitted by section 3 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1957 (Tamil Nadu Act XV of 1957).

(v) in section 50—

(a) clause (a) shall be omitted;

(b) in clause (c), the word 'or' occurring at the end shall be omitted; and

(c) clause (d) shall be omitted;

(vi) section 56 shall be omitted.]

1[7. Whoever contravenes—

Penalties.

(a) the provisions of sub-section (1) or sub-section (2) of section 3, or

(b) any of the terms or conditions subject to which permission is granted under sub-section (2) of section 3, or

(c) any of the terms of a notification under section 6, shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.]

8. No prosecution shall be instituted against any person without the sanction of the ²[Committee]. Institution of prosecutions.

9. No order of the ³[State] Government or the Bar of suits. ⁴[Committee] under this Act and no notification issued by the ³[State] Government under section 6 shall be liable to be questioned in any Court of Law.

10. (1) The ³[State] Government may make rules for carrying out the purposes of this Act. Power to make rules.

¹ This section was substituted for original section 7 by section 6 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

² This word was substituted for the words "District Collector" by section 7 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

³ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

⁴ This word was substituted for the words "District Collector" by section 8 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the classes or kinds of trees which may be permitted to be cut and the girth of such trees;

(b) the terms and conditions subject to which permissions may be granted;

¹[(bb) the deposit of such sum, if any, as may be specified in the rules as security for the due performance of the terms and conditions subject to which permission is granted under sub-section (2) of section 3, the forfeiture of the sum so deposited or any part thereof for contravention of any such term or condition and the adjudication of such forfeiture by such authority as may be specified in the rules;]

(c) the procedure to be followed by the ²[Committee] before granting permissions.

³[11. * * *]

⁴[12. * * *]

⁶[Publication of rules, commencement of rules and notifications and placing them before the Legislature.]

⁵[12-A. (1) (a) All rules made under this Act,

¹ This clause was inserted by section 7 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

² This word was substituted for the words "District Collector" by section 9 of the Tamil Nadu Preservation of Private Forests (Second Amendment) Act, 1979 (Tamil Nadu Act 68 of 1979).

³ This section was omitted by section 5 of the Tamil Nadu Preservation of Private Forests (Continuance) Act, 1965 (Tamil Nadu Act 32 of 1965).

⁴ This section was omitted by section 8 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

⁵ This section was inserted by section 5 of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1965 (Tamil Nadu Act 32 of 1965).

⁶ This marginal heading was substituted for the marginal heading "Rules and orders to be placed before the Legislature" by section 9 (1) of the Tamil Nadu Preservation of Private Forests (Amendment) Act, 1979 (Tamil Nadu Act 36 of 1979).

Saving and validation. 13. (1) Any rule or order made or purporting to have been made, any notification issued or purporting to have been issued, any decision or direction given or purporting to have been given, any action or proceeding taken or purporting to have been taken, or anything done or purporting to have been done—

Madras Act XVIII of 1946. (a) under any provision of the Madras Preservation of Private Forests Act, 1946 (hereinafter in this section and in section 14 referred to as the said Act) and in force immediately before the 3rd December 1948, or

(b) on or after the 3rd December 1948, under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

Madras Ordinance VIII of 1949. (c) under any provision of the Madras Preservation of Private Forests Ordinance, 1949 (hereinafter in this section referred to as the said Ordinance),

shall, subject to any subsequent modification or cancellation thereof purporting to have been made on or after that date under the said Act on the footing that the said Act was in force at the relevant time or under the said Ordinance, be deemed to be a rule or order made, notification issued, decision or direction given, action or proceeding taken, or thing done under the corresponding provision of this Act.

(2) Any liability or penalty incurred or purporting to have been incurred, any punishment awarded or purporting to have been awarded, and any prosecution commenced or purporting to have been commenced—

(a) under any provision of the said Act before the 3rd December 1948, or

(b) on or after the 3rd December 1948 under any provision of the said Act on the footing that the said Act was in force at the relevant time, or

(c) under any provision of the said Ordinance,

shall be deemed to have been incurred, or commenced under the corresponding provision of this Act.

14. (1) No suit, prosecution or other legal proceeding Indemnity for shall lie in any court against any officer or servant of the Acts etc., done [State] Government or any person acting under his direction or aiding or assisting him—
after expiry of
Madras A
XVIII of 1946.

(a) for, or on account of, or in respect of, any sentence passed, or any act ordered or done by him in exercise of any jurisdiction or power purporting to have been conferred on him by the said Act, or

(b) for carrying out any sentence passed by any court in exercise of any such jurisdiction or power as aforesaid.

(2) No suit or other legal proceeding shall lie against the [State] Government for, or on account of, or in respect of, any act, matter or thing whatsoever purporting to have been done in pursuance of or under the said Act.

(3) Sub-sections (1) and (2) shall have effect although the said Act was not or might not have been in force at the relevant time.

15. The Madras Preservation of Private Forests Act, Repeals. 1946, and the Madras Preservation of Private Forests Ordinance, 1949, are hereby repealed.

¹ This word was substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

¹[TAMIL NADU] ACT No. 22 OF 1960.²

THE ¹[TAMIL NADU] PRESERVATION OF PRIVATE FORESTS (AMENDMENT) ACT, 1960.

[Received the assent of the President on the 17th October 1960; first published in the Fort St. George Gazette on the 26th October 1960 (Kartika 4, 1882).]

An Act further to amend the ¹[Tamil Nadu] Preservation of Private Forests Act, 1949.

WHEREAS it is expedient further to amend the ¹[Tamil Nadu] Preservation of Private Forests Act, 1949 (¹[Tamil Nadu] Act XXVII of 1949), for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

Short title.

1. This Act may be called the ¹[Tamil Nadu] Preservation of Private Forests (Amendment) Act, 1960.

2—4. (The amendments made by these sections have been incorporated in the principal Act, viz., Tamil Nadu Act XXVII of 1949.)

Savings.

5. Any declaration made by the State Government by notification in the *Fort St. George Gazette** under clause (iii) of sub-section (2) of section 1 of the principal Act before the date of the commencement of this Act shall be deemed to be a declaration made by the District Collector by notification in the District Gazette under clause (iii) aforesaid as substituted by this Act.

¹ These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order 1969.

² For Statement of Objects and Reasons, see *Fort St. George Gazette* Extraordinary, dated the 2nd August 1960, Part IV—section 3, page 2.

* Now the *Tamil Nadu Government Gazette*.